

## **REMARKS**

This is in response to the final Office Action mailed July 16, 2007. Claims 90, 115, and 117 are amended, and claim 118 is added. Claims 90-118 are pending. Reconsideration and allowance are requested for the following reasons.

Claims 90-98 and 100-117 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iliff, U.S. Patent No. 6,234,964, in view of Lloyd et al., U.S. Patent No. 6,080,106. This rejection is respectfully traversed, and reconsideration is requested.

Claim 90 recites a monitoring apparatus at the first location comprising a transducing device generating an electronic signal representative of a physiological parameter characterizing the patient, a processor operatively coupled to the transducing device and arranged to process the electronic signals from the transducing device, and a communication device operatively coupled to the processor and to a communication network.

While the correctness of the characterization of Iliff provided in the Office Action is not conceded, the Action acknowledges that Iliff fails to disclose a monitoring apparatus. The Action states that it would have been obvious to combine a monitoring apparatus disclosed by Lloyd with the system disclosed by Iliff to arrive at the claimed inventions. However, for the following reasons, it is respectfully suggested that such a combination cannot be made.

Iliff discloses that objective data can be collected by the patient. Iliff, col. 18, ll. 19-20. The objective data is “measured by the patient, typically with an instrument.” *Id.* Consequently, the collection of objective data disclosed by Iliff is simply the patient responding to questions by providing information about health data measured by the patient separate from the system disclosed by Iliff. Presumably, the collection of such objective data using the system disclosed by Iliff might look like this: The system asks the patient, “What is your temperature?” The patient independently takes his or her temperature using a traditional thermometer, and then answers the query by providing the system with the temperature reading. Consequently, the gathering of the objective data is a manual process performed separately by the patient using instruments separate from the system disclosed by Iliff.

The Action suggests that it would have been obvious to combine the data collection device disclosed by Lloyd with the system disclosed by Iliff to arrive at the claimed invention. However, there is no suggestion as to how one would modify the system disclosed by Iliff to accept input from such a data collection device. The system disclosed by Iliff is configured to

simply query a patient and receive a response from the patient based on the query. There is no suggestion as to how the system disclosed by Iliff could be modified to accept output from a data collection device as disclosed by Lloyd.

In fact, Iliff teaches away from such a combination, in that Iliff teaches that the patient should collect objective data independently from the system. Iliff, col. 18, ll. 19-20. As such, one skilled in the art would not be motivated to modify the system disclosed by Iliff to include a data collection device to obtain objective data. Instead, Iliff teaches having the patient obtain the objective data separately using an instrument, and then having the patient provide the objective data to the system in form of an answer to a query.

Reconsideration and allowance of claim 90, as well as claims 91-98 and 100-104 that depend therefrom, are therefore requested.

Independent claim 105 recites measuring, with a transducing device, a physiological parameter characterizing the patient, and processing the physiological parameter with a processor operatively coupled to the transducing device. Reconsideration and allowance of claim 105, as well as claims 106-116 that depend therefrom, are therefore requested for at least reasons similar to those provided above with respect to claim 90.

Independent claim 117 recites a monitoring apparatus at the first location comprising a transducing device generating an electronic signal representative of a physiological parameter characterizing the patient, a processor operatively coupled to the transducing device and arranged to process the electronic signals from the transducing device, and a communication device operatively coupled to the processor and to a communication network. Reconsideration and allowance are requested.

Claim 99 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Iliff in view of Lloyd, and further in view of Drinan et al., U.S. Patent No. 6,354,996. This rejection is respectfully traversed, and reconsideration is requested. Drinan does not remedy the shortcomings of Iliff and Lloyd noted above. Claim 99 depends indirectly from claim 90 and is therefore allowable for at least the same reasons. Reconsideration and allowance are requested.

Claim 118 is added. Claim 118 distinguishes over all of the art of record. Consideration and allowance are requested.

### **Conclusion**

Claims 90-118 remain pending in the application. These claims are allowable for at least the reasons set forth above (other reasons may exist, and Applicants reserve the right to make additional arguments advancing these arguments in the future). Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the Examiner have any questions or concerns, the Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve this matter.

Respectfully submitted,  
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